

Date: July 26, 2007  
To: OAR 629-048-0001 thru -0500 File  
From: Jim Trost, Hearing Officer  
Subject: Hearing Officer's Report on Rulemaking Hearing

### Hearing Information

Rule Number: 629-048-0001 through 629-048-0500, 629-043-0040, 629-043-0041  
Title of Rule: Smoke Management Plan  
Proposed Action: Adopt  
Hearing Date & Time: July 25, 2007, 6:00 p.m.  
Hearing Location: 1825 SW Broadway St, Portland  
Written Comments Due: August 31, 2007, 5 PM  
Hearing Authorized: Board of Forestry meeting, June 8, 2007  
Notice Published: Oregon Bulletin, July 1, 2007

The rulemaking hearing on the proposed rule was convened at 6:00 p.m. Registration forms were available for people who wished to comment on the proposed action. The hearing was closed at 6:30 p.m.

One member of the public attended the hearing. One oral comment was presented. One written comment was received.

### Summary of Oral Comments

Summarized written Comments. Stated support for proposed rules. Suggested certain changes as indicated in written comment.

### Summary of Written Comments

Made various recommendations for editorial, non-substantive changes. Proposed changing Rule 629-048-0150 to add "chronic" to conditions warranting consideration of additional smoke sensitive areas. Recommended either increasing the number of smoke incidents an area must receive to be considered for addition to the SSRA list, or shortening the time period of these incidents.

Jim Trost  
Hearing Officer



## Comments/Considerations for the SMP Field Hearings 629-048-0000

Portland Hearing 7/25/2007

### **Suggested Revisions:**

- 1) Definition – (25) Add “**Verified**” to Smoke Intrusion title or text as it is for (29) Verified smoke incident.
- 2) 629-048-0130 (5), Definition (23) “Regional Haze” refers to the transport of smoke over “long distances”. Concerns relating to (5) with desire for the main plume to avoid the Class I area may be unavoidable when ownership is immediately adjacent. I would like to see a rotation or salvage exemption to address the potential need for immediately adjacent landowners where the possibility of plume exposure would be unavoidable outside the Visibility Protection Period for even a portion of the Class I Area.

**NOTE:** Our members and I are hopeful that the proposed improvements to forecasting technology included in the recommendations of the Program Review will have an immediate improvement to achieving registered unit accomplishments and diminish an already low number of incidents of public exposure. However, until these technologies are purchased, calibrated and verified by sufficient operational trials we will continue to rely on existing technology. If after successful implementation confirms the effective use of these new tools, the number and frequency of smoke exposures currently listed in the Rule proposal may be more widely supported. As such, the following revisions are proposed to reflect current technology:

### 3) 629-048-0150

- a. (2) (C) Earlier versions of the rule included the word “chronic” to describe conditions that warranted program change or necessitated adding levels of public protection for persistent problems. At the June 6<sup>th</sup> meeting the Board of Forestry adopted a change to omit the word “chronic” and replace with “existing” air quality verbiage. Don’t feel that many of the infrequent smoke incidents described warrant SSRA designation to correct a continuous or chronic problem. We are more than willing to address truly “Chronic” problems as was referenced and more descriptively referred to in earlier versions. Would like to see “Chronic” re-inserted in describing truly persistent problems necessitating higher levels of community protection.
- b. (5) I struggle to agree that the frequency of incidents from legally sanctioned burns outlined in this section qualify as “Repeated” when spread over a three year period. I am pleased that the intent also includes the word “verified” to assure the event did in fact occur from a legally conducted operation, smoke present at ground level and not based on a number of complaints that were only submitted as an aversion to the process and policy rather than an actual-verified incident.

I would prefer that:

- a) number of incidents be either increased slightly, or
  - b) keep the same number of incidents, but note that they would have to occur annually, or
  - c) keep the same number of incidents, but shorten the period of frequency to two years.
- 4) 629-048-0210 (1) Suggest under description of “Best burn practices” the inclusion of “...those practices **and atmospheric conditions** that minimize....” Would better

describe the variables to be considered in describing and achieving "best burn practices".

- 5) 629-048-0220 (1) Suggest adding clarification at the end of the first sentence "...or visibility impairment ***in Class I Areas.***" Without this designation complaints outside Class I Areas for visibility impairment to any degree could increase the number of complaints and confuse the public when making complaints. They will be unaware that the intrusions/incidents need to occur at ground levels in order to qualify as official intrusions/incidents. Visibility is only a detriment consideration to these designated Class I Areas. Visibility limitations during a verified intrusion are only relevant if estimating the severity of the intrusion at ground level using ocular estimation in the absence of a nephelometer.
- 6) 629-048-0310 (4) (a) and (b), Suggest including definitions used here for "Landing" and "Right-of-Way Piles" be included into 629-048-0005 definitions section.

Thank you for your time and consideration of my comments.

Mike Dykzeul  
Director, Forest Protection  
Oregon Forest Industries Council

Date: August 1, 2007  
To: OAR 629-048-0001 thru -0500 File  
From: Jim Trost, Hearing Officer  
Subject: Hearing Officer's Report on Rulemaking Hearing

### Hearing Information

Rule Number: 629-048-0001 through 629-048-0500,629-043-0040, 629-043-0041  
Title of Rule: Smoke Management Plan  
Proposed Action: Adopt, Amend, Delete  
Hearing Date & Time: August 1, 2007, 6:00 p.m.  
Hearing Location: 2625 Hwy 101, Florence, Oregon  
Written Comments Due: August 31, 2007, 5 PM  
Hearing Authorized: Board of Forestry meeting, June 8, 2007  
Notice Published: Oregon Bulletin, July 1, 2007

The rulemaking hearing on the proposed rule was convened at 6:10 p.m. Registration forms were available for people who wished to comment on the proposed action. The hearing was closed at 7:40 p.m.

Approximately 35 members of the public attended the hearing. Thirteen oral comments were presented. three written comment were received.

### Summary of Oral Comments

Harold Merritt – Summarized written comments. (Rule – 310) Would like to see Fuels Specialist/Field Coordinator hired before fully supporting rules. (Rule -450) Proposes yearly review by the Smoke Management Advisory Committee.

Robin Tilton – Concerned about health and safety. Proposes total ban on slash burning. State should place health concerns first. Slash should be dealt with through other means, regardless of cost.

Mark Tilton – Favors rule changes if they are more restrictive for burning near Florence and other communities. Recommends increase of biomass and use for other products. Willing to pay more up front for improved health.

Lonnie Woosley – Does not believe that smoke from burning is a direct health issue.

Merlyn Hough (Lane Regional Air Protection Agency) – Supports revision. Biomass utilization needs increasing. Recommends adding Florence immediately due to rapid growth, numerous complaints received, and slash smoke identified as a significant contributor. Recommended clarification of 10,000 population criteria in -0150.

Dianne Burch – Wants Florence added to SSRA list. Wants improved notification of rules hearings.

Mike Robison (CFPA) – Plan is good for Oregon. Allows slash removal to reduce risk and wildfire emissions. More emphasis on public education is needed as a high priority.

Dave Rankin – Needs forest management tools, including burning. Biomass and chipping not always good alternatives. Carbon sequestration must be paid for.

Bruce Jarvis – Doesn't like smoke but understands cost of not burning. Florence has older population which needs protection. Supports plan changes.

Jude Craddock – Moved to Florence for improved air and upset by smoke. Improved complaint system needed.

Phil Adams – Smoke Management plan not broken. Only two verified forestry smoke impacts into Florence; all smoke is not from forest burning. Rule -0020 (Necessity of Prescribed Burning) is appreciated but communication needs more improvement. Rule -0150(5) definition of repeated incidents time span is excessive. Recommends at least a temporary reduction to two years while new technology is implemented and proven. Rule -0210(1) "best burn practices" should include "atmospheric conditions". Wants -0210(4) to allow larger plastic coverings.

Joelee Ameellam – Concerned about health impacts especially for people with multiple chemical sensitivity. Opposes use of plastic and accelerants. Concerned about chemical spray residue in smoke. Would like total ban on slash burns.

Paul Chapman – likes education aspect of rules. Uncomfortable with reduction of slash burning as it will increase wildfire.

#### **Summary of Written Comments**

Harold Merritt – Supports rule proposal. Stakeholders agreed to twofold increase of funding to provide for public health. Rule -0310 (Fees for Prescribed Burning); Wants Fuels Specialist position description before adding support for the position. Rule -0450 (Periodic Evaluation and Adaptive Management); recommends yearly review by Smoke Management Advisory Committee. Plan should be proactive in addressing issues such as public education and needs of public and stakeholders.

Mike Robison – Smoke Management Plan is good for Oregon. Plan has allowed landowners to reduce slash which has beneficial effects, reduction of wildfire and easier wildfire control. Recommends increased emphasis on public education. More of program's funding needs to be allocated to education.

Merlyn Hough (LRAPA) – Recommends addition of Florence to SSRA list. Population of Florence is growing rapidly, numerous smoke complaints have been received from the Florence area and slash smoke appears to be a significant contributor to the smoke incidents. SSRA listing would complement other recent smoke management improvements by the city and LRAPA. Rule -0150 could be misinterpreted and should be clarified to more clearly state than a population greater than 10,000 is not required for listing of a community as an SSRA. Supports increased biomass utilization.

Jim Trost  
Hearing Officer

Aug 1, 2007

**Smoke Management Rules  
Field Hearing  
Florence, Ore**

My name is Harold Merritt representing Plum Creek Timberlands an industrial timberland owner.

We support the new Smoke Management rule proposal. The new plan recognizes the environmental needs of burn and addresses the public's concern to clean air. As a stakeholder we have agreed to a twofold increase of funding to better provide for public health as related to smoke.

However we would like to comment on:

Rule -0310 Fees for Prescribed Burning. Under this rule are the Revenue Source and Anticipated Expenditures that set the fee amount. We would like to see the Fuels Specialist/Field Coordinators position description before we add our support for this position.

Rule-0450 Periodic Evaluation and Adaptive Management. We recommend a yearly review by the SMAC working group. We would like our new SM plan to be proactive in addressing any issues that might arise such as addressing the need for increased public education and whether the program is meeting the needs of the public as well as its stakeholders.

Thank you for considering our concerns.

Aug 1, 2007



**LRAPA**  
Lane Regional Air Protection Agency

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August 1, 2007

Jim Trost, Hearings Officer  
Oregon Department of Forestry  
2600 State Street  
Salem, OR 97310

Dear Mr. Trost:

Thank you for the opportunity to provide comments on the proposed revisions to the Oregon Smoke Management Plan. As outlined in my June 5, 2007, letter to the Oregon Board of Forestry, I strongly recommend the addition of the city of Florence as a smoke-sensitive receptor area (SSRA) in the Oregon Smoke Management Plan. The current proposal does not include Florence in the listing of SSRAs in OAR 629-048-0140.

I have several reasons for supporting the addition of Florence.

**The population of Florence is growing rapidly and is within the population range of other coastal cities that currently receive special protection designation from the Board of Forestry.** Florence has a 2006 population of 8,270. Coastal cities currently with special smoke protection designations (and their 2006 populations) include Tillamook (4,675), Lincoln City (7,615), North Bend (9,720), Astoria (9,970), Newport (10,240) and Coos Bay (16,005). Tourism is an important industry in all of these coastal cities. These communities are typically located at the outflow of a river with adjacent mountainous terrain that can combine to trap and funnel smoke into the cities.

**LRAPA, ODF and DEQ receive numerous complaints of smoke intrusions into the Florence area.** For example, several smoke intrusions into Florence were documented during November 2004 through April 2005. LRAPA received 23 smoke complaints on these days.

**Slash smoke appears to be a significant contributor to these intrusions.** For example, for the smoke intrusions during November 2004 through April 2005, a joint evaluation by ODF, LRAPA and DEQ staff concluded that slash burning contributed to the smoke intrusions on at least three of these days, including the heaviest smoke impact that occurred on February 23, 2005 and resulted in the single greatest daily number of complaints (8 of the 23).

Jim Trost, ODF Hearings Officer  
August 1, 2007  
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**SSRA-designation by the Board of Forestry would be a key complement to other recent smoke management improvements by the city of Florence and LRAPA.** In 2005, Florence adopted a ban on open burning within the city limits and LRAPA initiated a daily open burning advisory for coastal Lane County. LRAPA is proposing a special control area for open burning in the Siuslaw Rural Fire Protection District surrounding Florence for adoption by the LRAPA Board this Fall; these special control area requirements will more strictly regulate land clearing burning.

Based on the population growth in Florence and smoke events in recent years, I believe that Florence residents should have the same protections as other similarly populated areas along the coast. Thank you very much for your consideration.

I have two additional comments on the proposed revisions.

First, the criteria for future listing of SSRAs in OAR 629-048-0150 should be clarified. The 10,000 population criteria in OAR 629-048-0150(4)(a)(B) could be misinterpreted. My understanding from both ODF and DEQ staff is that this section was not intended to limit new SSRAs to only cities with populations greater than 10,000. As outlined earlier in this letter, several existing SSRAs have populations less than 10,000.

Second, I support the continued increase in biomass utilization by ODF and other forest management agencies. I am encouraged by recent projects to promote biomass use of forest slash piles for fuel and other purposes. ODF promotion of these types of projects can reduce smoke, improve air quality and increase fuel resources.

If you have questions regarding these comments, please call me at (541) 736-1056, ext. 216. I would be happy to discuss this in more detail. We greatly value our partnerships with DEQ and ODF.

Sincerely,



Merlyn Hough  
Director  
Lane Regional Air Protection Agency

PHIL ADAMS, PRESIDENT

Aug 1, 2007  
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CHARLIE WATERMAN  
STEVE WICKHAM

## Coos Forest Protective Association

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### Comments/Considerations for the SMP Field Hearings 629-048-0000 Florence Hearing 8/01/07

#### General Comments:

The Smoke Management Plan has been, and will continue to be, good for Oregon. Oregonians enjoy clean air that creates a good environment to live, work and play. To a large part, careful guidance under the Smoke Management Plan helps make this environment possible.

Landowners working within the guidelines of the plan are able to reduce any remaining slash across the landscape of Oregon and in particular, western Oregon. This effort by the landowners has several long reaching beneficial effects. This highly regulated management practice reduces fuel loadings in the forest that the public enjoys and recreates in. This reduced fuel loading then minimizes the extra risk from wildfire damage and resulting greater wildfire emissions during our hot, dry summers. Fire managers are able to suppress fires in these managed forests with fewer resources, less damage, less smoke emissions and less dollars spent (**both public and private dollars**). This is a savings to the people of Oregon, not only in dollars spent suppressing fires, but also a protection of the pristine air conditions that people in Oregon enjoy.

#### Suggested Revision:

ODF managers and landowners can take this new plan, work within its framework and continue to meet landowner, fire manager and general public objectives. One suggested revision is that more emphasis needs placed on public education. The general public's smoke management IQ needs to be raised on the importance, value and oversight of this program and the various benefits that all Oregonians enjoy because of it. It is my opinion that not enough money is allocated from the proposed funding stream to address public education (do not need more money, just redirect current funding). This should be a high priority of the program.

Thank you for your time and consideration of my comments.

Mike Robison  
District Manager  
Coos Forest Protective Association

Date: August 7, 2007  
To: OAR 629-048-0001 thru -0500 File  
From: Jim Trost, Hearing Officer  
Subject: Hearing Officer's Report on Rulemaking Hearing

#### **Hearing Information**

Rule Number: 629-048-0001 through 629-048-0500, 629-043-0040, 629-043-0041  
Title of Rule: Smoke Management Plan  
Proposed Action: Adopt, Amend, Delete  
Hearing Date & Time: August 7, 2007, 6:00 p.m.  
Hearing Location: 200 Antelope Rd, White City, Oregon  
Written Comments Due: August 31, 2007, 5 PM  
Hearing Authorized: Board of Forestry meeting, June 8, 2007  
Notice Published: Oregon Bulletin, July 1, 2007

The rulemaking hearing on the proposed rule was convened at 6:00 p.m. Registration forms were available for people who wished to comment on the proposed action. The hearing was closed at 6:40 p.m.

One member of the public attended the hearing. No oral comments were presented. One written comment was received.

#### **Summary of Oral Comments**

No oral comments received.

#### **Summary of Written Comments**

Greg Stratton – Proposes increasing the thickness of polyethylene covers for piles to 6 mil. In addition to identifying wildfire emissions, proposes that wild fire intrusion duration and intensity be documented. Favors increased authority for the Smoke Management Advisory Committee, a cap on the smoke management fund, and a transition of the field coordinator position to an education position after a few years.

Jim Trost  
Hearing Officer



Rec'd: Aug 7, 2007

**LONE ROCK TIMBER MANAGEMENT CO.  
LONE ROCK LOGGING CO.**

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**Comments for the SMP Field Hearings 629-048-0000**  
**Medford Hearing 8/7/2007**

First, I would like to commend all those that have worked on the new version of the Smoke Management Rules Draft to which these comments pertain. Generally, I feel this is a good document and allows for effective implementation, although there are a few concerns that I would like to see addressed:

1) 629-048-0210 Best Burn Practices; Emission Reduction Techniques

4(c) should be revised to specify "...not exceed 6 mil..." The use of this slightly heavier polyethylene is necessary to insure that cover is not ruptured or torn by weather prior to ignition, since many piles are not able to be burnt the same year as covered. The more efficient ignition and reduced overall emissions from effectively covered piles should more than off-set the minor increase in emissions from the thicker cover.

2) 629-0480-0330 Emissions Inventories

I feel that it is necessary not only to identify emissions from wildfire, but the intensity and duration of wildfire smoke intrusions into SSRA's using the ocular verification standard should also be documented. This will provide a better base of information for future evaluations and reviews.

3) 629-048-0450 Periodic Evaluation and Adaptive Management.

This section should identify a more intense level of review by the SMAC; I would also like to see some authority or more oversight given to the SMAC in regards to the spending and implementation of fees.

**Additional concerns;**

There should be a cap on the revolving fund generated by fees charged by the SMP, the amount of this cap should be written into the rules; a 1 year budget surplus based on the current budget should be a more than adequate operating reserve.

Finally, while it is not in the draft rules, the fees were established based on a proposed budget. Within this proposal was the creation of a new position, Field Coordinator. While I understand the short term need for such position, there needs to be a tenure limit incorporated into any new positions created within this program. I also do not believe that there was adequate funding established for education, particularly for public education, within the budget. It should be possible to incorporate both needs into one position with a transition into more of an educational role over the next few years.

Once again the overall document is a good effort and makes substantial gains for the program. I appreciate your time and attention to these comments.

Greg Stratton  
Logging Management Forester  
Lone Rock Timber Management Co.

Date: August 14, 2007  
To: OAR 629-048-0001 thru -0500 File  
From: Jim Trost, Hearing Officer  
Subject: Hearing Officer's Report on Rulemaking Hearing

#### Hearing Information

Rule Number: 629-048-0001 through 629-048-0500,629-043-0040, 629-043-0041  
Title of Rule: Smoke Management Plan  
Proposed Action: Adopt, Amend, Delete  
Hearing Date & Time: August 16, 2007, 6:00 p.m.  
Hearing Location: 2600 College Way, Bend, Oregon  
Written Comments Due: August 31, 2007, 5 PM  
Hearing Authorized: Board of Forestry meeting, June 8, 2007  
Notice Published: Oregon Bulletin, July 1, 2007

The rulemaking hearing on the proposed rule was convened at 6:00 p.m. Registration forms were available for people who wished to comment on the proposed action. The hearing was closed at 6:40 p.m.

No persons attended the hearing. No oral comments were presented. No written comment were received.

Jim Trost  
Hearing Officer

Date: August 16, 2007  
To: OAR 629-048-0001 thru -0500 File  
From: Jim Trost, Hearing Officer  
Subject: Hearing Officer's Report on Rulemaking Hearing

#### **Hearing Information**

Rule Number: 629-048-0001 through 629-048-0500,629-043-0040, 629-043-0041  
Title of Rule: Smoke Management Plan  
Proposed Action: Adopt, Amend, Delete  
Hearing Date & Time: August 16, 2007, 6:00 p.m.  
Hearing Location: 1001 4<sup>th</sup> St, La Grande, Oregon  
Written Comments Due: August 31, 2007, 5 PM  
Hearing Authorized: Board of Forestry meeting, June 8, 2007  
Notice Published: Oregon Bulletin, July 1, 2007

The rulemaking hearing on the proposed rule was convened at 6:15 p.m. Registration forms were available for people who wished to comment on the proposed action. The hearing was closed at 7:00 p.m.

Four persons attended the hearing. No oral comments were presented. One written comment was received.

#### **Summary of Written Comments**

Colleen MacLeod -- Suggested that local governments be included earlier in the process of rule changes.

Jim Trost  
Hearing Officer

Public Comment Registration Card  
Proposed Smoke Management Rule Changes  
August 16, 2007

Revd: Aug 16, 2007  
at La Grande Public Meeting.  
JET

Name: Commissioner Colleen MacLeod Phone: 541 963 1001

Address: 1106 K Ave  
LaGrande, OR 97850

Organization Representing: Union County / Assoc.  
of Oregon Counties.

These Adm. Rule changes, especially of this magnitude would be better if local government was involved at the beginning of the process. We are a player and an enforcer of regs.